COMMONWEALTH OF MASSACHUSETTS State Building Code Appeals Board Board's Ruling on Appeal1

Docket No. 08-611

Appellant(s): David LeBlanc

Appellee(s): VZ.

City/Town of Boston

Thomas White

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 705.2.4 and 705.3 of the Massachusetts State Building Code (MSBC) for 815 Boylston Street, Boston MA, a.k.a. the Apple Store. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 7, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Others were present also; the sign-in sheet is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 705.2.4 and 705.3, of the MSBC based upon the fact that the exterior glass walls are protected with an exterior deluged sprinkler system activated by a trip wire and that the interior sides of the glass walls are protected by sprinkler heads as defined in the Rolf Jensen and Associates, Inc. report dated June 5, 2008. It was noted that Boston Fire Department did not submit an opposition to this variance. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance, as described in the above Discussion, from 780 CMR 705.2.4 and 705.3, is hereby granted and so ordered² on this date: August 7, 2008.

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²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within

30 days after the date of this decision.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108